

David Meador,)	
)	
Plaintiff,)	Case No. 3:10-cv-100
)	
-vs-)	
)	
North Dakota Department of Corrections)	ORDER ADOPTING REPORT AND
and Monica Moore,)	RECOMMENDATION
)	
Defendant.)	

After considering the magistrate judge’s Report and Recommendation, conducting a *de novo* review of Meador’s conclusory objections, and reviewing the entire file, the Court finds the magistrate judge’s analysis is correct. The Court, therefore, adopts the Report and Recommendation in its entirety. For the reasons set forth therein, Meador’s Complaint is **DISMISSED** with prejudice for failure to state a claim upon which relief may be granted.

The Court certifies that an appeal from the dismissal of this action may not be taken *in forma pauperis* because such an appeal would be frivolous and cannot be taken in good faith.

See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). Furthermore, based upon the entire record before the Court, dismissal of the motion is not debatable, reasonably subject to a different outcome on appeal, or otherwise deserving of further proceedings. Therefore, a certificate of appealability will not be issued by this Court. See Tiedemann v. Benson, 122 F.3d 518, 252 (8th Cir. 1997). If Meador desires further review of his petition, he may request the issuance of a certificate of appealability by a circuit judge of the Eighth Circuit Court of Appeals in accordance with Tiedemna v. Benson, 122 F.3d 518, 250-252 (8th Cir. 1997).

IT IS SO ORDERED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated this 21st day of September, 2011.

/s/ Ralph R. Erickson
Ralph R. Erickson, Chief Judge
United States District Court